

The following are answers to questions asked recently about the licensing of IIC providers and proposed changes by DCBHS to BA/IIC regulations:

Was there a change?

No. Regulations of the Board of Marriage and Family Therapy Examiners (of the Department of Law and Public Safety's Division of Consumer Affairs) allow licensed professional counselors and licensed associate counselors to practice counseling in for-profit settings. However, a licensed associate counselor in a for-profit setting must practice counseling under the direct supervision of a licensed professional counselor or a supervisor acceptable to the committee (N.J.S.A.45:8B-36). Further, the plan for supervision of the licensed associate counselor must be submitted and approved by the committee prior to any actual performance of counseling by the licensed associate counselor (N.J.S.A. 45:8B-50).

What providers are affected?

The regulations in question apply only to those working for for-profit agencies.

What will DCBHS do?

DCBHS expects those working for providers to work within the regulations of their licensing board. It is not in DCBHS' purview to make licensing distinctions. Our focus is on service delivery to children. Providers are advised to seek guidance from their licensing board. If providers seek advocacy, they are advised to seek support from their professional/trade organization.

DCBHS is carefully monitoring the situation through daily reports and updates. Issues of service access and cultural competence of available service providers are of significant concern. DCBHS will take necessary steps to ensure youth and families are adequately served.

What should service brokers do?

Service brokers should be aware of these present issues and communicate frequently with youth and families about what they can expect.

When it is necessary to transition a youth to an appropriately licensed provider, service brokers may use the treatment planning process to identify preferences, successes, continued needs, and transition plan. Youth and families should be fully educated about the process and their preferences for treatment should be gathered. It is expected that youth and families will experience an understandable and well-described transition in a matter of weeks.

How do I transition a youth and family to a different provider?

Please refer to the guiding documents found on the DCBHS and Value Options' Web sites that provide explanation of the process.

DCBHS expects providers to become compliant with the board regulations and not abandon youth and families. Youth and families should be fully educated about the

process and their preferences for treatment should be gathered. It is expected that youth and families will experience an understandable and well-described transition in a matter of weeks.

Where do I get help in understanding licensing board regulations?

You can reach the Department of Law and Public Safety's Division of Consumer Affairs at 973-504-6200 or 800-242-5846. The Board of Marriage and Family Therapy Providers regulations can be found on the board's Web site at:
<http://www.nj.gov/oag/ca/laws/mftlaws.pdf>

What are the proposed changes to upcoming BA/IIC regulations?

DCBHS has proposed new rules that would increase the licensing and education requirements of those who provide Intensive In-Community (IIC) services and Behavioral Assistance (BA) services to children. Under the new regulations, IIC services (clinical therapeutic interventions provided in non-office settings: home, foster home, detention center) could only be provided by an independently clinically licensed practitioner.

Those providing BA services (paraprofessional interventions provided in non-office settings: home, foster home, detention center) would be required to have, at a minimum, a bachelor's degree in an appropriate behavioral health care field and have three years of relevant experience post degree in a comparable environment. In addition, providers shall meet DCBHS requisite IIC and/or BA participation criteria for re-certification on prescribed time-lines and the successful completion of a criminal background check every two years.

What regulations govern these services?

Currently these regulations are contained in the Division of Medical Assistance and Health Services (Medicaid) REHABILITATION SERVICES MANUAL N. J. A. C. 10:77 SUBCHAPTERS 4 AND 5. These regulations will sunset in January 2008, new regulations have been drafted and will become available for public review and comment.

Check the DCBHS Web site and look under PUBLIC NOTICES to view the draft changes. After the public comment period, new regulations will be adopted and moved under the DCBHS.

How do I comment on these changes?

Use the public comment process described when the regulations are posted. Comments provided outside of that process are **not** included in the public record.

What does the term "clinically licensed" mean?

The term "clinically licensed" refers to a level of licensure that allows a therapist to practice independently (i.e. Psychiatrist, Psychologist, Licensed Professional Counselor, Licensed Clinical Social Worker, Licensed Marriage and Family Therapist, Advanced Practice Nurse (Mental Health)).

What is a non-clinically licensed individual?

Each clinical discipline has individuals who can practice, but they need to be under the supervision of a clinically licensed individual.

Where do families lodge complaints/concerns?

Maria Sherry, Family Liaison, Value Options New Jersey, DCBHS Contracted System Administrator, 877-652-7624